

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KYLE L. CAMPANELLI,

Plaintiff,

v.

IMAGE FIRST HEALTHCARE
LAUNDRY SPECIALISTS, INC., et al.,

Defendants.

Case No. 15-cv-04456-PJH

**ORDER RE JOINT ADMINISTRATIVE
MOTION**

Re: Dkt. No. 101

On February 16, 2018, the court denied in part plaintiff's motion for partial summary judgment. Dkt. 98. The same order terminated the motion with respect to the unresolved issues without prejudice to plaintiff re-noticing the motion once the current stay is lifted. In support of his motion for summary judgment, plaintiff lodged five exhibits under seal. Rather than filing an administrative motion to seal, plaintiff relied on Magistrate Judge Kim's order sealing the exhibits in conjunction with a discovery dispute. See Dkt. 74.

In its order denying summary judgment, the court neither cited nor relied on those exhibits. Dkt. 98 n. 5. The court held that because no motion to seal had been filed, the exhibits must either be made part of the public record or withdrawn. Id. The parties have now filed a joint administrative motion regarding the proper resolution of that order. Defendants argue that the exhibits should be withdrawn because they were not relied upon by the court and because they contain defendants' confidential information. Plaintiff argues that the exhibits should be made part of the summary judgment record and defendants should file an administrative motion to seal the documents if the defendants

1 wish the documents to remain sealed.

2 The court hereby ORDERS plaintiff to withdraw the five exhibits lodged under seal
3 filed in support of plaintiff's motion for partial summary judgment. See Dkt. 92. Either
4 party may seek to file those exhibits under seal—with the appropriate administrative
5 motion—when plaintiff re-notices the unresolved portion of his summary judgment motion
6 after the present stay is lifted.

7 The parties are reminded that the Ninth Circuit applies the “compelling reasons”
8 standard to sealed documents filed in support of a motion for summary judgment. Ctr. for
9 Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1098 (9th Cir. 2016). That standard is
10 more strenuous than the “good cause” standard applied to documents filed in support of
11 non-dispositive motions such as discovery disputes. Id. at 1097.

12 **IT IS SO ORDERED.**

13 Dated: March 20, 2018



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15 PHYLLIS J. HAMILTON
16 United States District Judge
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